IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Crl.MC.No. 903 of 2007()

PETITIONER: 2ND ACCUSED

KUNJUMON,
LICENSEE T.S.NO.18/2003-2004,
CHATHANNOOR EXCISE RANGE, RESIDING AT
THUNDAZHIKATHU VEEDU, MANAKAD, VADAKKEVILA
VILLAGE, KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

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1. THE STATE OF KERALA, REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
CHATHANOOR, KOLLAM DISTRICT.

2. THE ASSISTANT EXCISE COMMISSIONER,
CHINNAKKADA, KOLLAM.

3. THE COMMISSIONER OF EXCISE,
KERALA STATE, PUBLIC OFFICE BUILDING,
MUSEUM, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.903 of 2007

Dated this the 29th day of June 2007

O R D E R

The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala and Others v. Unni** [2007(1) KLT 151 (S.C)], this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained. This Criminal Miscellaneous Case is, in these circumstances, allowed. All proceedings in pursuance of C.R.No.18/2004 of Chathannoor Excise Range against the petitioner is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE